

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: NAVIDEA BIOPHARMACEUTICALS
LITIGATION

Case No.: 1:19-cv-01578-VEC

ECF Case

[PROPOSED] SO-ORDERED STIPULATION REGARDING EXPERT DISCOVERY

WHEREAS, on September 25, 2020, Plaintiff Navidea Biopharmaceuticals, Inc. (“Navidea”) and Defendant Dr. Michael M. Goldberg (“Dr. Goldberg”) (collectively, the “Parties”) filed a Joint Letter updating the Court regarding the status of discovery which, *inter alia*, addressed Dr. Goldberg’s request that the Court schedule deadlines for expert discovery in this matter, including on the issue of damages [ECF No. 137];

WHEREAS, on June 15, 2021, the Parties filed a Joint Letter updating the Court regarding the status of discovery which, *inter alia*, proposed a schedule relating to deadlines for expert discovery in this matter [ECF No. 208];

WHEREAS, on July 6, 2021, during the Pretrial Conference of this matter, the Court directed the Parties to determine their own schedule regarding deadlines for expert discovery and ordered that all expert discovery is to be completed by November 30, 2021;

WHEREAS, pursuant to the Memo Endorsement on the Letter Response entered on July 22, 2021, “[n]o later than July 28, 2021, the parties must meet and confer on all internal expert discovery deadlines, including when experts will be identified, when reports are due, and when experts will be deposed, and submit a stipulated schedule” [ECF No. 215];

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel for the Parties, that the Parties are to:

1. Provide each other party pursuant to Fed. R. Civ. P. 26(a)(2)(A) with the name, curriculum vitae, and general subject matter of testimony of any expert it may use in its case-in-chief no later than August 20, 2021;
2. Provide each other party pursuant to Fed. R. Civ. P. 26(a)(2)(A) with the report of any expert it may use in its case-in-chief no later than September 23, 2021;
3. Provide each other party pursuant to Fed. R. Civ. P. 26(a)(2)(D) with the name, curriculum vitae, and general subject matter of testimony of any expert it may use solely to contradict or rebut evidence on the same subject matter identified pursuant to Paragraph 1 no later than October 8, 2021;
4. Provide each other party pursuant to Fed. R. Civ. P. 26(a)(2)(D) with the report of any expert identified pursuant to Paragraph 3, it may use solely to contradict or rebut evidence on the same subject matter identified pursuant to Paragraph 1 no later than November 8, 2021.
5. Make available for deposition any expert that issues a report pursuant to Paragraphs 2 and 4 no later than November 30, 2021.

Dated: New York, New York
July 28, 2021

/s/ Barry M. Kazan

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Michael M. Goldberg M.D.*

Date: _____

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE